

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
I.A. NOS. 109 & 113
IN
CIVIL APPEAL NO. 1867 OF 2006

MALIK MAZHAR SULTAN AND ANR.

Appellant (s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS

Respondent(s)

(FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. AND OFFICE REPORT)

Date: 19/10/2011 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Appellant(s)

Mr. Vijay Hansaria, Sr. Adv. (AC)
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Mr. Debasis Misra ,Adv

Mr. T.N. Rao ,Adv

For Respondent(s)

Mr. Lakshmi Raman Singh, Adv.

State of Chhattisgarh

Mr. Atul Jha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Intervener

Mr. Ranjan Dwivedi, Adv.

State of W.B.

Mr. Chanchal Kr. Ganguli, Adv.
Mr. Avijit Sen Gupta, Adv.
Mr. Tara Chandra Sharma, Adv.

State of A.P.

Mr. C. Kannan, Adv.
Mr. G.N. Reddy, Adv.

...2/-

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Mr. Ritu Raj, Adv.

Mr. Nishe Rajen Shonker, Adv.

Mr. Amit Kumar, Adv.

Mr. Shankar Divate, Adv.

State of Jharkhand Mr. Anil Kr. Jha, Adv.

State of Goa Ms. A.Subhashini ,Adv

Allahabad HC Mr. Ashok K. Srivastava ,Adv
Mr. Arun K. Sinha ,Adv

HC of P & H Ms. Asha Jain Madan ,Adv
Mr. Ashok Mathur ,Adv
Mr. Anis Suhrawardy ,Adv
Ms. Bina Gupta ,Adv

HC of J & K Mr. Bharat Sangal ,Adv
Ms. Binu Tamta ,Adv
Mr. Dharam Bir Raj Vohra ,Adv

Calcutta HC Mr. Jaideep Gupta, Sr. Adv.
Mr. Raja Chatterjee, Adv.
Mr. G.S. Chatterjee ,Adv
Mr. Sunil Gupta, Adv.

NCT of Delhi Mr. P.P. Malhotra, ASG
Ms. Rekha Pandey, Adv.
Mr. Mukesh Verma, Adv.
Mr. S. Wasim Qadri, Adv.
Mr. K. Thakur, Adv.
Mr. Zaid Ali, Adv.
Ms. Saima Bakshi, Adv.
Mrs. Anil Katiyar, Adv.

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Mr. Rituraj Biswas, Adv.

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Mr. Rokokieno Mor, Adv.
Mr. Balaji Srinivasan, Adv.
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Ms. Suveni Banerjee, Adv.

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Mr. A. Pathak, Adv.
Mr. K.K. Mohan ,Adv

Chandigarh Ms. Kamini Jaiswal ,Adv (N/P)
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Mr. Naresh Kumar, Adv.
Mr. Pradeep Misra ,Adv

Mizoram Mr. K.N. Madhusoodhanan, Adv.
Mr. R. Sathish ,Adv

Intervener Mr. C.B. Gururaj, Adv.
Mr. Raj Kumar, Adv.
Mr. Anil Kumar, Adv.

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Ms. Mandakini Sharma, Adv.
Mr. Rupesh Gupta, Adv.
Mr. Abhishek Choudhary, Adv.
Mr. P.V. Yogeswaran ,Adv

Mr. S.C. Patel ,Adv

Mr. Sunil Kumar Jain ,Adv

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Mr. Ugra Shankar Prasad ,Adv

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for M/S Arputham, Aruna & Co.

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Uttarakhand Ms. Rachana Srivastava ,Adv
Ms. Ranchi Daga, Adv.
Mr. Krutin Joshi, Adv.
State of Assam Mr. Navnit Kumar, Adv.
for M/s Corporate Law Group
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HC OF Bombay Mr. Aniruddha P. Mayee ,Adv
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Mr.Prakash Kumar Singh ,Adv

Mr.Sunil Kumar Verma ,Adv

Mr. Anuvrat Sharma ,Adv

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State of Punjab	Mr. Ajay Pal ,Adv
State of Mah.	Mr. Sanjay Kharde, Adv. Mrs. Asha G. Nair, Adv. Mr. E.C. Vidyasagar, Adv.
State of J & K	Mr. Sunil Fernandes, Adv. Mr. Suhaas Joshi, Adv. Ms. Astha Sharma, Adv.
DHC	Mr. A.D.N. Rao, Adv. Ms. Neelam Jain, Adv. Ms. T. Kanaka Durga, Adv. Mr. Navin Prakash, Adv. Ms. Liz Mathew, Adv. Ms. Sana Khan, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. NO.109 IN C.A. NO. 1867/2006

Since admittedly with effect from 1st April, 2011, no fast track courts are functioning in the State, prima facie, the prayer made in the application cannot be granted. However, learned counsel appearing for the State of Uttar Pradesh prays for some time to seek instructions whether 156 additional posts of Additional District & Sessions Judges, created as ex-cadre Supernumerary post on temporary basis with effect from 1st April, 2011 could be converted into regular posts in the said cadre.

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:7:

Call the application on 9th November, 2011.

In the meantime, we request the High Court to forthwith initiate the process for filling up all the vacant posts in the cadre of District Judge (Direct), ignoring letter No.552/VII-Nyay-2-2011-40G/01 dated 31st March, 2011 written by the Principal Secretary, UP Government to the Registrar General of the Allahabad High Court.

I.A. NO.113 IN C.A. NO. 1867 OF 2006

In the affidavit-in-opposition filed by the Registrar, Aizawl Bench, Gauhati High Court, some facts and figures, justifying the need for filling up of only five vacancies in the cadre of Civil Judge Junior Division, have been given. However, the information furnished in the said affidavit is far from satisfactory. The basis on which the requirement of only five judges is being justified is not indicated on the basis of the ideal number of cases a Civil Judge Junior Division is required to handle. This exercise has also to be undertaken keeping in view the average time taken by the Judges at that level for disposal of a case pending before them.

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:8:

Under the circumstances, we direct the Registrar of the said Bench of the Gauhati High Court to file a fresh affidavit, determining the number of posts which are required to be filled up for the present, on some scientific basis. There seems to be some confusion with regard to

the total pendency of the cases before the Civil

Judges/Judicial Magistrates.

This aspect shall

also be clarified in the affidavit. We

further

direct that affidavit to be filed in terms of

this order shall be placed before the Hon'ble the
Chief Justice for his information.

The affidavit shall be filed on or before

3rd November, 2011.

List the application for further orders on

9th November, 2011.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master